

FCC MAIL SECTION

Before the  
 MAR 10 1997 FEDERAL COMMUNICATIONS COMMISSION  
 Washington, D.C. 20554

FCC 97M-38

70876

In re Applications of	)	MM DOCKET NO. 97-75
	)	
PUBLIC BROADCASTING OF NORTHWEST OHIO	)	File No. BPED-950210MB
Channel 220	)	
Defiance, Ohio	)	
	)	
For Construction Permit for a New Noncommercial	)	
Educational FM Station	)	
	)	
MARANATHA CHRISTIAN FELLOWSHIP, INC.	)	File No. BPED-950511IE
Channel 220A	)	
Howe, Indiana	)	
	)	
For Modification of Facilities of Station WQKO-FM,	)	
Howe, Indiana	)	

ORDER PRIOR TO PREHEARING CONFERENCE

Issued: March 5, 1997 ; Released: March 7, 1997

1. A prehearing conference in this proceeding is scheduled for March 26, 1997, and the hearing is scheduled to commence on August 12, 1997. See Order, FCC 97M-26, released February 27, 1997. The Presiding Judge deems it desirable to establish the following procedures.

(a) By March 21, 1997, counsel are directed to confer for the purpose of exploring settlement and possible agreement on share-time arrangements, the scope of the issues to be tried in this case, and discovery. With respect to discovery, if depositions are to be taken, the applicants shall agree on a mutually convenient schedule for the taking of such depositions. With regard to the production of documents, the applicants shall agree on a joint production request which would be applicable to both applicants. In the event one of the applicants has a specific document request relating to the other, a separate request for the production of such documents shall be served in accordance with Section 1.325(a) of the Commission's Rules. The use of written interrogatories under Section 1.323 of the Rules will not be permitted.

(b) The issues contemplate the submission of engineering evidence. Therefore, at the conference regarding settlement and discovery, counsel are directed to confer about the preparation of a joint engineering exhibit or stipulation. Counsel for the applicants shall also confer with counsel for the Mass Media Bureau with regard to this matter.

(c) A report shall be made at the prehearing conference fully apprising the Presiding Judge as to the results of the meeting described above.

2. The August 12, 1997, hearing date is a firm date. Accordingly, the following procedural schedule IS ESTABLISHED:

July 2, 1997	Preliminary exchange of joint engineering exhibit or stipulation.
July 11, 1997	Completion of all discovery.
July 22, 1997	Exchange of written direct cases. <sup>1</sup>
July 29, 1997	Notification of witnesses desired for cross-examination. <sup>2</sup>
August 5, 1997	Objections to witness notification.

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<sup>1</sup> All exhibits must be received by all parties not later than this date. The exhibits will be serially numbered, separately paginated, and assembled in a binder with a tab on each document. A prefix will be used to indicate the party sponsoring the exhibit. Each exhibit must be accompanied by the affidavit or declaration under penalty of perjury of a sponsoring witness. If official notice is requested of any materials in the Commission's files, that material should be assembled in written form, properly identified by source, given an exhibit number, and exchanged on the date set. An index containing a descriptive title of each exhibit shall be included.

<sup>2</sup> Such notification may be made by telephone or facsimile. If oral notification is given it must be confirmed in writing.

August 12, 1997

Commencement of the hearing at  
10:00 a.m. in the Commission's  
Washington, D.C. offices.<sup>3</sup>

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Joseph Chachkin".

Joseph Chachkin  
Administrative Law Judge

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<sup>3</sup> Rebuttal, if any, will commence immediately after the conclusion of the direct cases.